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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,525	11/13/2001	Jonathan S. Goldick	MS1711.1/40062.123US01	8013
27488	7590	03/16/2009		
MERCHANT & GOULD (MICROSOFT)			EXAMINER	
P.O. BOX 2903			BOUTAH, ALINA A	
MINNEAPOLIS, MN 55402-0903				
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/992,525	GOLDICK, JONATHAN S.	
	Examiner	Art Unit	
	ALINA N. BOUTAH	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8,9,11-16,18-23 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4,6,8,9,18-20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/7/08 and 2/26/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of claims 11-16, 21 and 22 in the reply filed on December 29, 2008 is acknowledged. Applicant is reminded that the non-elected claims must be cancelled prior to allowance of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11-16 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,510,478 issued to Jeffords et al. (hereinafter referred to as Jeffords) in view of USPN 6,704,767 issued to Simmons et al. (hereinafter referred to as Simmons), in further view of Applicant's admitted prior art.

Regarding claim 11, Jeffords teaches a system comprising computer storage media for modifying a lock object in a distributed environment, the distributed environment having a plurality of resources and wherein at least one resource is associated with the lock object, the system comprising:

a receive module for receiving a resource requests from a requesting process, wherein the request includes modification information concerning at least one property of a lock object associated with a requested resource (abstract; figure 5, 502);

a determination module for determining whether the requesting process owns the lock object (figure 5, 504; col. 2, lines 55-65); and

an update module for modifying the at least on property of the lock object as set forth in the modification information upon a determination that the requesting process owns the lock object (abstract, figure 5; col. 2, lines 41-42; col. 3, line 65 to col. 4, line 18).

However, Jeffords does not explicitly teach modifying at least one property without unlocking the resource associated with the lock object. In an analogous art, Simmons teaches modifying a lock ownership property (interpreted as “property”) associated with lock object without unlocking the resource associated with the lock object (figure 5; col. 3, line 57 to col. 4, line 4).

At the time the invention was made, one of ordinary skill in the art would have been motivated enable modification of lock properties in order to guard against overlapping modifications between concurrent users, thus decrease the likelihood that data will be in incomprehensible state (abstract).

Jeffords fails to explicitly teach wherein the request is created using a Web Distributed Authoring and Versioning protocol and is transmitted over the Internet. Applicant’s admitted prior art teaches a requesting process communicating with received modules using Web Distributed Authoring and Versioning protocol

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(specification, page 2). At the time the invention was made, one of ordinary skill in the art would have been motivated to enable the requesting process to communicate with the receive module using Web Distributed Authoring and Versioning Protocol (WebDAV) in order to allow client computer systems to access server-side resources for the purpose of editing those resources, WebDAV allows a client to lock a resource when using that resource so that subsequent users may not access that resource during that time, thus preventing lost update problem (see specification, page 2, lines 5-19).

Regarding claim 12, Jeffords teaches a system as defined in claim 11 wherein the determination module also determines whether there is a conflicting lock associated with the requested resource and wherein the update module does not modify the lock object upon a determination that a conflicting lock exists (col. 2, line 45-47). However, Jeffords does not explicitly teach modifying at least one property associated with the lock. In an analogous art, Simmons teaches modifying a lock property (figure 5; col. 3, line 57 to col. 4, line 4).

At the time the invention was made, one of ordinary skill in the art would have been motivated enable modification of lock properties in order to guard against overlapping modifications between concurrent users, thus decrease the likelihood that data will be in incomprehensible state (abstract).

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Regarding claim 13, Jeffords teaches a system as defined in claim 11 wherein the lock object has a lock type property, and wherein the update module modifies the lock type property (figure 3). However, Jeffords does not explicitly teach modifying at least one property associated with the lock. In an analogous art, Simmons teaches modifying a lock property (figure 5; col. 3, line 57 to col. 4, line 4).

At the time the invention was made, one of ordinary skill in the art would have been motivated enable modification of lock properties in order to guard against overlapping modifications between concurrent users, thus decrease the likelihood that data will be in incomprehensible state (abstract).

Regarding claim 14, Jeffords teaches a system as defined in claim 12 wherein the lock object has a lock scope property, and wherein the update module modifies the lock scope property (col. 4, lines 41-65). However, Jeffords does not explicitly teach modifying at least one property associated with the lock. In an analogous art, Simmons teaches modifying a lock property (figure 5; col. 3, line 57 to col. 4, line 4).

At the time the invention was made, one of ordinary skill in the art would have been motivated enable modification of lock properties in order to guard against overlapping modifications between concurrent users, thus decrease the likelihood that data will be in incomprehensible state (abstract).

Regarding claim 15, Jeffords teaches a system as defined in claim 11 wherein the lock object has a lock ownership property, and wherein the update module modifies

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the lock ownership property to thereby transfer the lock object from one process to another (figure 9; col. 9, lines 17-41). However, Jeffords does not explicitly teach modifying at least one property associated with the lock. In an analogous art, Simmons teaches modifying a lock property (figure 5; col. 3, line 57 to col. 4, line 4).

At the time the invention was made, one of ordinary skill in the art would have been motivated enable modification of lock properties in order to guard against overlapping modifications between concurrent users, thus decrease the likelihood that data will be in incomprehensible state (abstract).

Regarding claim 16, Jeffords teaches a system as defined in claim 11 further comprising a transfer module for transferring ownership of the lock object from the requesting process to another process (figure 9; col. 9, lines 17-41).

Regarding claim 21, Jeffords teaches a system as defined in claim 11, wherein the lock object has a resource identifier property, and wherein the update module modifies the resource identifier property as set forth in the modification information (abstract, figure 5; col. 2, lines 41-42; col. 3, line 65 to col. 4, line 18).

Regarding claim 22, Jeffords teaches a system as defined in claim 21, wherein the update module modifies the resource identifier property to associate the lock with a second resource (abstract, figure 5; col. 2, lines 41-42; col. 3, line 65 to col. 4, line 18).

Response to Arguments

Applicant's arguments filed July 24, 2008 have been fully considered but they are not persuasive.

Applicant argues that neither Jeffords, Simmons, nor AAPA discloses or teaches “an update module operable to modify the at least one property of the lock object as set forth in the modification information upon a determination that the requesting process owns the lock object, wherein modifying the at least one property occurs without unlocking the resource associated with the lock object.” The PTO respectfully disagrees and submits that this is taught by the cited references.

As admitted by Applicant, and ad evidence by Jeffords, the cited areas (i.e. figures 4-6) of Jeffords, for example illustrate lock acquisition, i.e. granting and releasing a lock. When a lock is granted to an object, that object becomes the owner of the lock. The lock's property is inherently changed because it now has a new owner. Therefore, this inherency is interpreted as “modifying the at least one property of the lock object as set forth in the modification information upon a determination that the requesting process owns the lock object” as claimed.

Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation a of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that

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the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique.

Applicant has had numerous opportunities to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims

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with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly, define the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alina N Boutah/
Primary Examiner, Art Unit 2443